

John F. Bryan
This address is by John F. Bryan,

President of the Industrial Insurance Company
of America, and U.S. Senator from New Jersey, 1902-1907.

CHAPTER XII

ABRAHAM LINCOLN AND ALEXANDER HAMILTON

AN ADDRESS
DELIVERED BEFORE THE
EAST ORANGE, N. J., REPUBLICAN CLUB
FEBRUARY 12, 1904

Printed in 1904.

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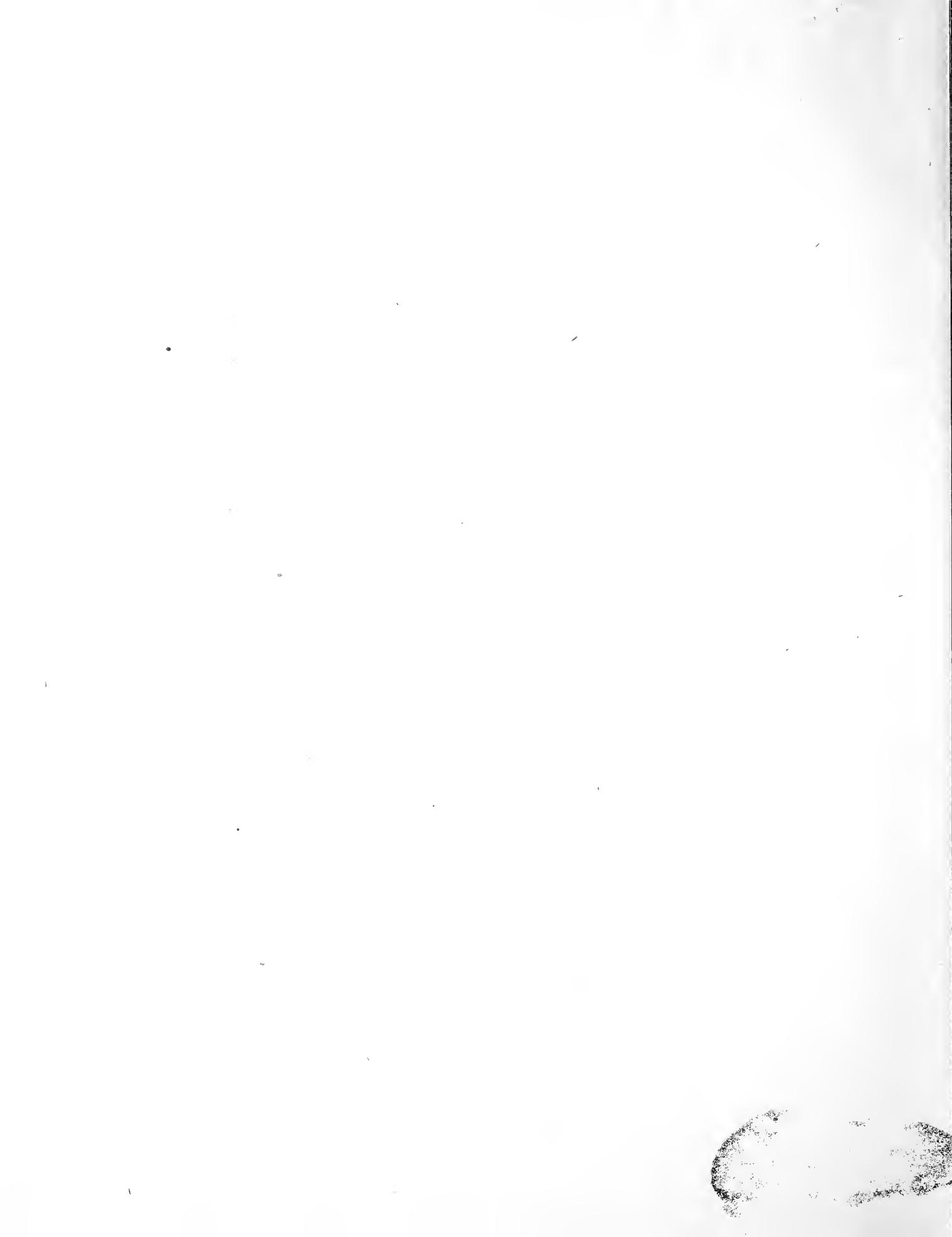


EW occasions teach new duties, and man's thoughts widen with the progress of the sun. While problems of our national life demand for their satisfactory solution a rigid adherence to the fundamental principles of the constitution, in the light of new occasions, discoveries, and experiences they demand also a broad interpretation of the powers it confers in matters not within the range of thought and action a century ago. No conceivable position in public life can be thought of as more trying, no test of character and human energy more severe than the stress and strain of the great questions which confronted the heroic man whose memory we celebrate to-night, in his administration from the day of his inauguration to the hour of his untimely death.

Lincoln will always stand as the supreme type of human courage—of faith in God and himself. Long before he became President he had fought the battle of conscience and made his choice of right principles against political sophistry and the seductive views of the doctrine of selfish expediency. Little did it matter to him that he lost the senatorship in his contest with Douglas; his thought was upon the final result—the mighty issues upon which hung the destiny of the republic. He was sure of himself, of his position, of his principles. To him there was but one nation, and no casuistry could move him, no expediency could swerve him, no self-interest could divert him from the course which, taking counsel alone of God and his conscience, he had determined to follow. "Let us have faith," he said, in ending his debates with Douglas, "that right makes might, and in that faith let us to the end dare to do our duty as we understand it."

Lincoln never looked backward. His faith was of the

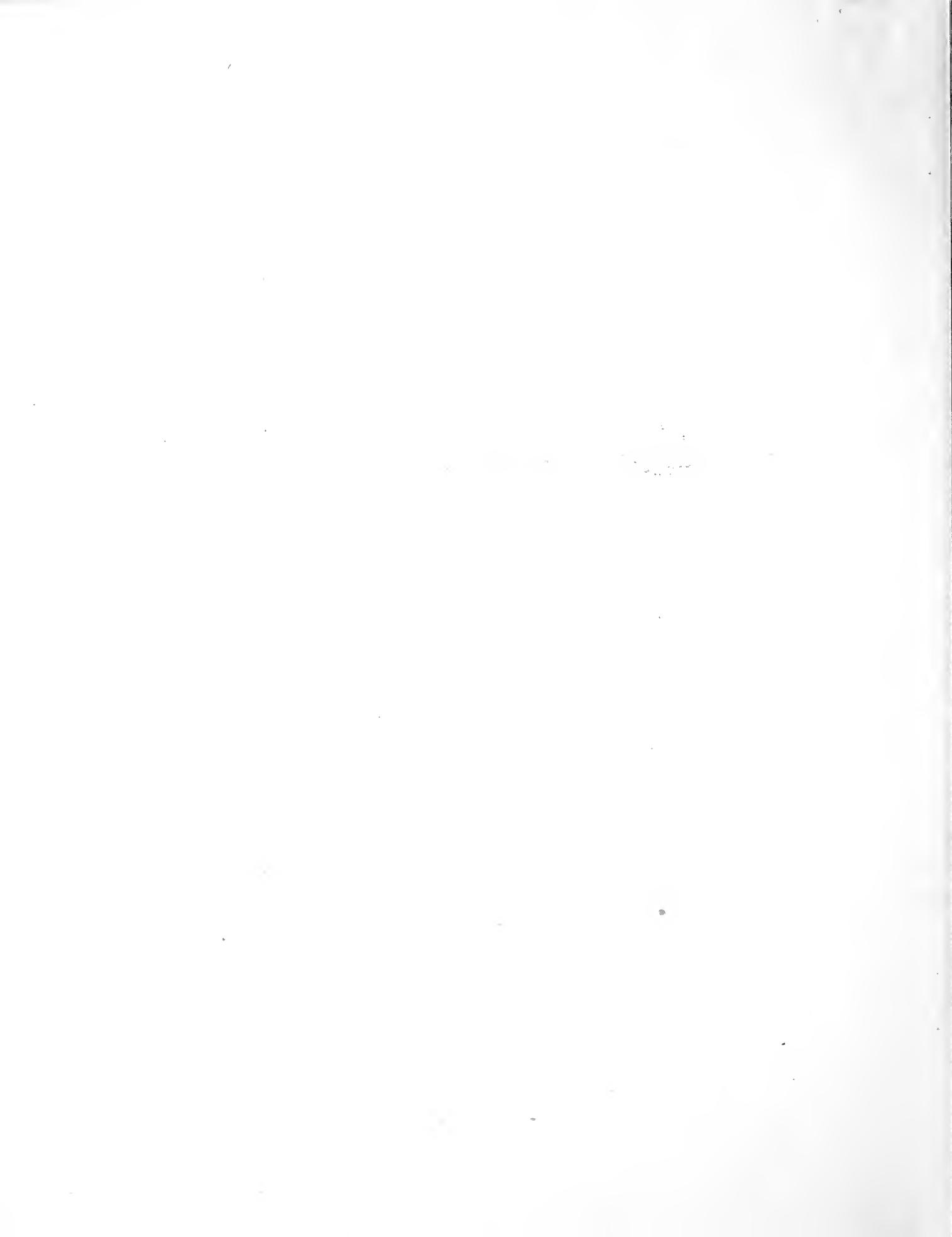
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future and his concern was the duty of the hour. He had the almost superhuman faculty of putting disaster behind him and of applying his whole force to the needs of the moment. During all the trying days of the rebellion, his faith and hope in ultimate victory and his trust in God's providence never for once deserted him.

Let us on this anniversary of his birth take to heart the three fundamental laws of his life—sincerity of thought, courage in action, and a firm faith in the future. The Republican party was formed primarily for the purpose of preventing the extension of slavery into the territories, but, in the words of Senator Hoar, "the providence of God imposed upon it far larger duties." It has done for the people what in the judgment of wise and trusted men was best for our welfare, what was necessary to maintain the strength and the dignity of the United States at home and abroad, and what experience has proven most efficacious in advancing the moral and material well-being of every element of our population. New conditions have demanded new functions for the effective conduct of the nation's business and new laws to regulate the predestined expansion of American influence and diplomacy. Development in all that is most beneficent, with unfaltering courage, has been the policy of the Republican party from its birth down to this day; development not in one direction only, but in all; not in a limited way, making for the advantage of some particular class or section, but in the widest possible sense, making for a more general distribution of wealth and a higher standard of life and living among all. This conception of national betterment, in the words of the late President McKinley, "is the real question in its comprehensive view. It touches the health and progress of the republic, for it touches the condition—moral, physical, and intellectual—of the citizen, from which it must draw its force and character and strength." It is to the glory of the Republican party that while it made possible



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the preservation of the Union, it has made equally possible the highest development of the Union in its internal affairs and external relations. It has made the United States the foremost manufacturing and agricultural nation, it has developed upon a sound and honest basis a system of national finance and banking; it has adjusted its fiscal policy to economic laws and social conditions, promoting the individual welfare, increasing the individual earnings and possibilities on the part of every one enjoying the privilege of citizenship and life in this great republic. To-day our flag is a most potential emblem of the power that makes for peace and progress in every corner of the earth.

We may take a pardonable pride in our recent national achievements. Our progress in population, in wealth, in industry, challenges the admiration of the world. We are now a nation of eighty millions of people, widely different in their origin, many of whom have come from distant shores to find an asylum and better possibilities in this land of political and economic freedom, but all imbued with the spirit of being integral factors in its further growth and development. No one, I am sure, doubts for a moment that if another national call to arms were issued, in full proportion to their numbers, the young, the middle-aged, and even the old would respond to the call of duty to preserve the republic and to maintain the laws. However great our satisfaction may be with the material progress which has been made within recent years, we have more reason to be proud of the advancement in knowledge and understanding, in the mode of life and morals of the people, never so contented, never so temperate, never so sound in health and mind as they are to-day. It needs only a glance at the state of our farms and factories, at the condition of the poor and at the returns of pauperism and dependency, to convince even the most sceptical that the progress of this nation has been real and not apparent, has, in fact, been profound and of benefit to all. Never in all the



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world's history has there been a nation like ours, as well governed as ours, as thoroughly developed as ours in the arts of peace and yet fully prepared to sustain the victories of peace in the field of war. For much of this we are indebted to the spirit of Lincoln, ever dominant in the Republican party, which in its measures and its men may safely claim to be representative of what is best, what is highest and what is truest in the people of this land.

We are not to-day confronted by the serious questions of Lincoln's time; there is no danger to-day of national disintegration, and there is no cloud on the horizon which threatens our national peace. More than ever we are a people united in thought and action, following the arts and industries which make possible a more complete realization of the purposes of life. Great questions indeed confront us, which, for their happy solution, will demand the exercise of the soundest judgment and the highest regard for the interests of all the people; and there is undoubtedly much apprehension as to the rapid growth of capital and the accumulation of great fortunes, yet there never was a greater fallacy uttered, nor a more deliberate untruth told, than that in this land of ours "the rich are growing richer and the poor are growing poorer." Deep down in his heart the agitator who would arouse the lower passions of the people knows that what he thus proclaims as a fact, or as a new discovery, is untrue. Full well he knows, or could know if he would and were fair in mind and sound in judgment, that not since the dawn of history has a people been so free in every sense, political, social and economic, as are the people of this nation at the present time. Never in history has a people been so well housed, so well provided with good food and clothing, so easily able to educate their children and to provide for the future of both themselves and their children. Not in all the records of human experience has a race or people been so intelligent, so industrious, so healthy, and

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so well-to-do in material things as these people of the United States one hundred and fifteen years after the adoption of the constitution. Political pessimists seek industriously for occasional instances of abuse in power, or corruption in office, or the betrayal of some sacred private trust; but the man with his eyes open and his mind free from the taint of unfair political bias, can see, can hear, can realize, that our people, our masses, our wage-earners, in a large and all-predominating majority, are making progress and are advancing more rapidly toward a higher standard of life than has ever before been possible among the people of any nation or of any age. Millions come to us from other lands, not only because of higher wages or more ready opportunity for labor, but also, and perhaps largely, because of our political institutions, our beautiful country, our highly developed industries, our growth at home and abroad, and our fiscal policy of protection to American labor and American genius.

Our government rests upon a constitution which was framed after the most intelligent and deliberate consideration ever given to the fundamental law of any land. There can be no narrow construction put upon that great instrument, which forms the foundation stone of this republic, for in the course of human events it is impossible to foresee or anticipate all that may develop anew or result from changes in what is old. Little can we anticipate questions and problems arising from the combination of events entirely outside of the domain of human prophecy. Many of our social institutions and most of the inventions of modern times, such as the railway, the telegraph, the telephone, the practical uses of electricity and the thousand and one other results of human ingenuity and specialization, were far beyond the scope of the mind, confronted with the different conditions affecting the welfare and future of the nation one hundred and fifteen years ago. But the all-predominant genius which framed that immortal instrument,

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which we trust will endure the ravages of time as the best form of government yet devised for the benefit of man, left to be employed when needed wisely implied powers with which the representatives of the people could be trusted, and which in not a single instance have been seriously abused.

It is not the problem of war and its stress and strife, but the successful solution of great social and economic questions which confront us at the present time. Predominant in the mind of many most seriously concerned with the trend of our national affairs is the thought, and perhaps the conviction, that so-called trusts or combinations of capital and large business corporations generally should be brought under the direct control of the people by an act of Congress. Opinions differ not so much as to the necessity and advantage of such control, as upon the question whether this should be brought about by an act of Congress or, if necessary, by an amendment to the constitution. Generally the first thought in the mind of the political reformer, such amendments are usually found to be needless after more mature consideration. During the first hundred years of our constitutional history not less than one thousand propositions were made at different times to amend that instrument, but of these only fifteen have been adopted and found actually necessary to meet the permanent needs of the nation. The tendency in our national legislature from the very outset has been in the direction of more and more reliance upon the doctrine of the implied powers in the constitution. While there is, undoubtedly, danger in a too liberal interpretation of the constitution, experience, including the tremendous struggle and perplexing problems of the great Civil War, has shown that as a general rule the constitutional provisions covering the powers of the executive, legislative and judicial departments are fully adequate and sufficiently elastic to adapt themselves to changing conditions and the progress of the times. There has often been a disposition to make



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the constitution a code of laws, but, fortunately, the safeguards thrown about the instrument and the difficulties in the way of making amendments by the method provided for in the constitution itself are such that only fundamental changes having their origin in inherent necessities of new situations and resulting from new conditions are ever likely to become incorporated into the original and enduring law of this land. Attempts to amend the constitution show to a large degree the waves of popular feeling and reflect the political theories of the time.

In no direction, perhaps, is the constitution more explicit than in the provisions for the control by Congress of interstate commerce and the implied power to create and control corporations engaged in such commerce. Many efforts have been made to limit or define the implied powers in this direction, and not a few to increase the expressed powers; but while amendments have been suggested it has not been found necessary to modify the constitution in this respect. Out of this question grew the great controversy over the power of Congress to charter corporations, so ably expounded in the opinions of Alexander Hamilton. Hamilton, with rare insight, controverted the contentions of Jefferson and Randolph, and even of Madison, by far the best trained of his antagonists in constitutional debates. His opinion on the constitutionality of the United States bank must always rank as one of the most brilliant elucidations of the constitution and its implied powers. Marshall, in the later case of the United States *vs.* Maryland, adopted much of Hamilton's reasoning, and, in an opinion of enduring fame, declared that "the act incorporating the bank of the United States is a law made in pursuance with the constitution." The main contention of Hamilton was "that all government is a delegation of power. But how much is delegated in each case is a question of fact, to be made out by fair reasoning and construction, upon the particular provisions of the constitution, taking as guides

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the general principles and general ends of governments," and he concludes that "It is not denied that there are implied as well as express powers and that the former are as effectually delegated as the latter."

He also brought out a most important point which seems to have escaped the attention of many of those who have since written on the constitution, its growth, history, and interpretation, namely, that "there is another class of powers which may be properly denominated 'resulting powers.'" With almost prophetic foresight he reasons "it will not be doubted that if the United States should make a conquest of any of the territories of its neighbors they would possess sovereign jurisdiction over the conquered territory," but this, he argues, "would be rather a result from the whole mass of the powers of the government, and from the nature of political society, than a consequence of either of the powers specifically enumerated." Hamilton realized the impossibility of framing express constitutional provisions for all the varieties of governmental functions, exigencies, and problems likely to arise in the course of time, and he, therefore, relied upon a conscientious interpretation of the doctrine of implied powers. "The means by which national exigencies are to be provided for, national inconveniences obviated, national prosperity promoted, are of such infinite variety, extent and complexity that there must of necessity be great latitude of discretion in the selection and application of those means. Hence, consequently, the necessity and propriety of exercising the authorities intrusted to a government on principles of liberal construction." And, finally, he concluded that "in all questions of this nature, the practice of mankind ought to have great weight against the theories of individuals." And looking over the history of our government from that time to this, we should indeed have great difficulty in finding exceptions to the general rule that it has been well administered and primarily for the benefit of all the people,

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with wisdom, with courage, and with honesty, and an earnest endeavor to conscientiously live up to the oath of office imposed upon the servants of the people to obey the constitution as the fundamental law of the land.

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